

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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WORKERS UNITED,

*Plaintiff,*

v.

STARBUCKS CORPORATION,

*Defendant.*

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Civil Action No. 2:23-cv-4036

**DEFENDANT STARBUCKS CORPORATION’S MOTION TO DISMISS  
PLAINTIFF’S FIRST AMENDED COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendant Starbucks Corporation (“Starbucks”) respectfully moves this Court to dismiss Plaintiff Workers United’s (“Workers United”) defamation claim with prejudice because Workers United fails to state a claim upon which relief can be granted, and—as confirmed by Plaintiff’s First Amended Complaint—any further amendment would be futile because the challenged statements are not capable of a defamatory meaning as a matter of law and were not made with actual malice. Starbucks further moves this Court, pursuant to the first-filed rule, and in the interests of comity and judicial efficiency, to exercise its discretion to dismiss Workers United’s declaratory judgment claim without prejudice or, alternatively, to transfer it to the United States District Court for the Southern District of Iowa where an earlier-filed action involving substantially the same parties and issues is pending.

In support of this Motion, Starbucks relies on the accompanying Memorandum of Law, which it expressly incorporates by reference herein.

WHEREFORE, Starbucks respectfully requests that this Court enter an Order in the form proposed herewith, granting its Motion to Dismiss Plaintiff's First Amended Complaint.

Dated: February 26, 2024

Respectfully submitted,

**DLA PIPER LLP**

Mary E. Gately (admitted *pro hac vice*)  
500 Eighth Street NW  
Washington, DC 20004  
Tel: (202) 799-4507  
Fax: (202) 799-5507  
*mary.gately@us.dlapiper.com*

/s/ Ilana H. Eisenstein  
Ilana H. Eisenstein  
Marie Bussey-Garza  
PA ID Nos. 94907; 324584  
1650 Market Street  
One Liberty Place, Suite 5000  
Philadelphia, PA 19103  
Tel: (215) 656-3300  
Fax: (215) 656-3301  
*ilana.eisenstein@us.dlapiper.com*  
*marie.bussey-garza@us.dlapiper.com*

*Attorneys for Defendant Starbucks Corporation*